

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THOMAS EVANSTAD,

Civil No. 20-722 (JRT/ECW)

Plaintiff,

v.

ORDER

DAVID HUTCHINSON;¹ HENNEPIN COUNTY
SHERIFF'S DEPARTMENT; SERT DEPUTY
KASPAREK; SERT DEPUTY MARSHALL;
STATE OF MINNESOTA; and COUNTY OF
HENNEPIN,

Defendants.

Thomas Evenstad, 534 Logan Avenue North, Minneapolis, MN 55405, *pro se* plaintiff.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated June 8, 2020, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Defendant Hennepin County Sheriff's Department is **DISMISSED WITH PREJUDICE**.

¹ Evenstad named Richard Stanek as a defendant to this action in Stanek's official capacity as Hennepin County Sheriff. Stanek, however, no longer holds that position. "An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party." Fed. R. Civ. P. 25(d). Accordingly, current Hennepin County Sheriff David Hutchinson is automatically substituted as a defendant to this action in his official capacity.

2. Defendant State of Minnesota is **DISMISSED WITHOUT PREJUDICE**.

DATED: August 14, 2020
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court